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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532.623

04/25/2005

Helmuth Eggers

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AKERMAN SENTERFITT

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EXAMINER

LEE, KYUNG S

ART UNIT

PAPER NUMBER

2832

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/532,623	<b>Applicant(s)</b> EGGERS ET AL.	
	<b>Examiner</b> Richard K. Lee	<b>Art Unit</b> 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 8-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>0506</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3, 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 3 and 6 are contradictory since, claim 3 recites "switching stages that cannot latch" and claim 6 recites "latch."

4. The term "further illumination means" in claim 7 is a relative term which renders the claim indefinite. The term "further illumination means" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Lindae et al.

DE3923316 (submitted by applicant).

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7. Lindae teaches a switch for actuating a first lighting system fro emitting a visible light with a low beam and a high beam (col. 2, line 23), and a second lighting system for emitting an infrared (col. 2, line 31);

a single switch with a number of switching stages (col. 3, lines 21-27) for actuating the lighting systems; and

the arrangement of the stages are fixed such that the switching stages representing the full beam can only be switched on after the switching stage of the second illumination system as been activated (col. 2, lines 24-31).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 14 to 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindae in view of Bernard FR2818933 (submitted by applicant).

Lindae teaches the claimed invention except for the switch having a switching stage that cannot latch and be held manually at a respective position. Bernard teaches a switch device having a switch stage that cannot latch tight and can be held manually at a respective position, for the purpose of signaling a turn or actuating a high beam. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide with non-latching switching stage for the purpose of actuating one of signaling a turn or actuating a high beam.

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Regarding claims 16 and 17, Bernard teaches the switch being mounted rotatable and mounted by means of a swivel axis.

10. Claims 8, 12, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindae in view of Wolfe, US Pat. 6,288,492 (submitted by applicant).

Lindae teaches the claimed invention except for the switching stages actuated in one direction and also offer a pilot light. Wolfe teaches a lighting switch having the switching stages actuated in one direction for the purpose of controlling nine different lighting stages. Wolfe also teaches plurality of visual indicators (fig. 1) to provide feedback to the user. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a lighting switch having the switching stages actuated in one direction as taught by Wolfe since it would provide the user with manually controlling nine different lighting stages for a vehicle. Visual indicators provide obvious advantages.

Regarding claim 8, Wolfe, teaches additional light settings such as a fog lamp, for a second lighting system.

11. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindae in view of Wolfe as applied to claim 8 above, and further in view of Bernard.

Lindae and Wolfe teach the claimed invention except for the switch mounting structure.

Bernard discusses claimed mounting structures.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard K. Lee whose telephone number is (571) 272-1994. The examiner can normally be reached on M-Tu and Th-F from 5:30 AM to 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Richard K. Lee  
Primary Examiner  
Art Unit 2832

